



Scenic Pacifica
Incorporated Nov. 22, 1957

CITY OF PACIFICA

170 Santa Maria Avenue • Pacifica, California 94044-2506
www.cityofpacifica.org

MAYOR
Sue Vaterlaus

MAYOR PRO TEM
Deirdre Martin

COUNCIL
Sue Beckmeyer
Mary Bier
Mike O'Neill

January 14, 2019

Dave Mass
MuckRock News
DEPT MR 66083
411A Highland Ave
Somerville, MA 02144-2516

Via Email: 66083-24465556@requests.muckrock.com

Re: *Public Records Request*

Dear Mr. Mass:

The City is in receipt of your public records request received on December 21, 2018 ("Request"), a copy of which is attached for your reference.

The City wishes to cooperate to the fullest extent possible with the Public Records Act (Government Code section 6250 *et seq.*). Under established California law, the City is obliged to comply with a request for a public record so long as the requester makes a specific and focused request for information, that information is maintained by the City in its ordinary course of business, the information is disclosable, and the record can be located with reasonable effort. The Public Records Act provides for the inspection or copying of existing identifiable public records; it does not compel the City to create new records, lists, privilege logs, or reports in response to a request. The City is required to determine whether the request, in whole or in part, seeks copies of disclosable public records. Ordinarily, this determination must take place within ten (10) days of the City's receipt of the request. The City invoked its right under Government Code Section 6253(c)(2) to extend the time to respond to your Request by fourteen (14) days to January 14, 2019.

After a diligent search, the City has made the following determinations with respect to your Request for materials related to this agency's acquisition of, access to, preservation of, or disclosure of automated license plate readers (ALPR) or ALPR data:

Request 1: Policies related to the adoption of ALPR technology, including those guiding the procurement process or necessary administrative obligations before acquisition.

Determination: After a diligent search, the City has determined it does not have records responsive to this request within its possession, custody or control.

Request 2: Training policies, requirements, and materials for automatic license plate reader system operators.

Determination: After a diligent search, the City has determined it does not have records responsive to this request within its possession, custody or control.

Request 3: Databases used to compare data obtained by the automatic license plate reader system.

Determination: After a diligent search, the City has determined it does not have records responsive to this request within its possession, custody or control.

Request 4: Policies related to the retention and security of captured ALPR data, including those regarding:

- the length of time after capture that data may be preserved
- exceptions to general data preservation policies
- internal data security and access
- data destruction

Determination: After a diligent search, the City has determined it does not have records responsive to this request within its possession, custody or control.

Request 5: Policies related to the sharing of captured ALPR data by this agency with other agencies, including those directing:

- the manner in which another agency may request data
- the circumstances under which captured data may be shared, and
- the responsibilities of the recipient agency in regards to data retention and use
- access by this agency to data obtained by automatic license plate reader systems not operated by the law enforcement agency.

Please provide the number of requests made by outside agencies, if applicable.

Determination: The City has identified records responsive to Request 5 that are within its possession, custody or control. Those records that are non-exempt and non-privileged are included with this response. The City does not have any records within its possession, custody or control identifying the number of requests made by outside agencies to NCRIC;

Request 6: Policies related to the sale of data or sharing of data with non-law enforcement actors.

- If applicable, please provide all agreements between this agency and non-law enforcement actors.

Determination: After a diligent search, the City has determined it does not have records responsive to this request within its possession, custody or control.

Request 7: Policies regarding oversight of automatic license plate reader system use.

Determination: After a diligent search, the City has determined it does not have records responsive to this request within its possession, custody or control.

Request 8: Audit Reports.

Determination: After a diligent search, the City has determined it does not have records responsive to this request within its possession, custody or control.

Request 9: Policies related to maintenance and calibration. Please also provide maintenance and calibration schedules and records for the system on file.

Determination: After a diligent search, the City has determined it does not have records responsive to this request within its possession, custody or control.

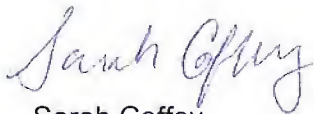
Request 10: Any other policies or reports on subjects related to automatic license plate reader system use by the agency.

Determination: After a diligent search, the City has determined it does not have records responsive to this request within its possession, custody or control.

This completes the response to your Request received on December 21, 2018.

If you have any questions please contact me directly at 650-738-7409.

Sincerely,

A handwritten signature in blue ink that reads "Sarah Coffey". The signature is written in a cursive, flowing style.

Sarah Coffey
City Clerk

RECEIVED

DEC 21 2018

PACIFICA POLICE

MuckRock News
DEPT MR 66083
411A Highland Ave
Somerville, MA 02144-2516
66083-24465556@requests.muckrock.com

Pacifica Police Department
PRA Office
2075 Coast Hwy
Pacifica, CA 94044

December 17, 2018

To Whom It May Concern:

Pursuant to the California Public Records Act, I hereby request the following records:

Materials related to this agency's acquisition of, access to, preservation of, or disclosure of automated license plate readers (ALPR) or ALPR data:

1. Policies related to the adoption of ALPR technology, including those guiding the procurement process or necessary administrative obligations before acquisition.
2. Training policies, requirements, and materials for automatic license plate reader system operators.
3. Databases used to compare data obtained by the automatic license plate reader system.
4. Policies related to the retention and security of captured ALPR data, including those regarding:
 - the length of time after capture that data may be preserved
 - exceptions to general data preservation policies
 - internal data security and access
 - data destruction
5. Policies related to the sharing of captured ALPR data by this agency with other agencies, including those directing:
 - the manner in which another agency may request data
 - the circumstances under which captured data may be shared, and
 - the responsibilities of the recipient agency in regards to data retention and use.
 - access by this agency to data obtained by automatic license plate reader systems not operated by the law enforcement agency.

Please also provide the number of requests made by outside agencies, if applicable.

6. Policies related to the sale of data or the sharing of data with non-law enforcement actors.
 - If applicable, please provide all agreements between this agency and non-law enforcement actors.

7. Policies regarding oversight of automatic license plate reader system use.

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8. Audit Reports

9. Policies related to maintenance and calibration.

Please also provide maintenance and calibration schedules and records for the system on file.

10. Any other policies or reports on subjects related to automatic license plate reader system use by the agency.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

Sincerely,

Dave Maass

Filed via MuckRock.com
E-mail (Preferred): 66083-24465556@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News
DEPT MR 66083
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

NCRIC Automated License Plate Reader Policy

NCRIC MISSION

The Northern California Regional Intelligence Center (NCRIC) is a multi-jurisdiction public safety program created to assist local, state, federal, and tribal public safety agencies and critical infrastructure locations with the collection, analysis, and dissemination of criminal threat information. It is the mission of the NCRIC to protect the citizens within its area of responsibility from the threat of narcotics trafficking, organized crime, as well as international, domestic, and street terrorism-related activities through information sharing and technical operations support to public safety personnel.

AUTOMATED LICENSE PLATE READER (ALPR) TECHNOLOGIES

To support authorized law enforcement and public safety purposes of local, state, federal, and tribal public safety agencies, the NCRIC utilizes Automated License Plate Reader (ALPR) technology, and supporting software, to gather and analyze ALPR data to enable the rapid identification and location of vehicles of legitimate interest to law enforcement. ALPR units are attached to law enforcement vehicles or deployed at fixed locations, where they collect license plate information from vehicles on public roadways and public property. In one common use of ALPR technology, license plate encounters are compared against law enforcement “hotlists” – lists of vehicles associated with active investigations, for example, related to Amber Alerts or other missing children, stolen vehicles, or stolen license plates. The information is also retained for a fixed retention period, though it is only re-accessible by law enforcement given a legitimate law enforcement purpose as listed below.

PURPOSE

This NCRIC Automated License Plate Reader Policy (ALPR Policy) defines a minimum set of binding guidelines to govern the use of Automated License Plate Reader Data (ALPR Data), in order to enable the collection and use of such data in a manner consistent with respect for individuals’ privacy and civil liberties.

The NCRIC also completed a NCRIC ALPR Privacy Impact Assessment (PIA) to address in further detail common privacy and civil liberties concerns regarding Automated License Plate Reader technology. The current version of this document is available on the NCRIC web site at www.ncric.org.

AUTHORIZED PURPOSES, COLLECTION, AND USE OF ALPR DATA

To support the mission of the NCRIC, Law enforcement personnel with a need and right to know will utilize ALPR technology to:

- Locate stolen, wanted, and subject of investigation vehicles;
- Locate and apprehend individuals subject to arrest warrants or otherwise lawfully sought by law enforcement;
- Locate witnesses and victims of violent crime;

NCRIC Automated License Plate Reader Policy

- Locate missing children and elderly individuals, including responding to Amber and Silver Alerts;
- Support local, state, federal, and tribal public safety departments in the identification of vehicles associated with targets of criminal investigations, including investigations of serial crimes;
- Protect participants at special events; and
- Protect critical infrastructure sites.

RESTRICTIONS ON COLLECTION OF ALPR DATA AND USE OF ALPR SYSTEMS

NCRIC ALPR units may be used to collect data that is within public view, but may not be used for the sole purpose of monitoring individual activities protected by the First Amendment to the United States Constitution.

ALPR operators may not contact occupants of stolen, wanted, or subject-of-investigation vehicles unless the ALPR operators are sworn law enforcement officers. ALPR operators must rely on their parent agency rules and regulations regarding equipment, protection, self-identification, and use of force when stopping vehicles or making contact.

ALPR operators must recognize that the data collected from the ALPR device, and the content of referenced hotlists, consists of data that may or may not be accurate, despite ongoing efforts to maximize the currency and accuracy of such data. To the greatest extent possible, vehicle and subject information will be verified from separate Law enforcement information sources to confirm the vehicle or subject's identity and justification for contact. Users of ALPR Data must, to the fullest extent possible, visually confirm the plate characters generated by the ALPR readers correspond with the digital image of the license plate in question.

All users of NCRIC ALPR equipment or accessing NCRIC ALPR Data are required to acknowledge that they have read and understood the NCRIC ALPR Policy prior to use of the ALPR System.

In no case shall the NCRIC ALPR system be used for any purpose other than a legitimate law enforcement or public safety purpose.

TRAINING

Only persons trained in the use of the NCRIC ALPR system, including its privacy and civil liberties protections, shall be allowed access to NCRIC ALPR Data. Training shall consist of:

- Legal authorities, developments, and issues involving the use of ALPR Data and technology
- Current NCRIC Policy regarding appropriate use of NCRIC ALPR systems;
- Evolution of ALPR and related technologies, including new capabilities and associated risks;
- Technical, physical, administrative, and procedural measures to protect the security of ALPR Data against unauthorized access or use; and

NCRIC Automated License Plate Reader Policy

- Practical exercises in the use of the NCRIC ALPR system

Training shall be updated as technological, legal, and other changes that affect the use of the NCRIC ALPR system occur.

AUDIT

Access to, and use of, ALPR Data is logged for audit purposes. Audit reports will be structured in a format that is understandable and useful and will contain, at a minimum:

- The name of the law enforcement user;
- The name of the agency employing the user;
- The date and time of access;
- The activities executed, including any license plates searched for;
- The supplied authorized law enforcement or public safety justification for access; and
- A case number associated with the investigative effort generating the ALPR data query.

Audit reports will be provided periodically and on request to supervisory personnel at the NCRIC and partner agencies.

In addition, no less frequently than every 12 months, the NCRIC will audit a sampling of ALPR system utilization from the prior 12 month period to verify proper use in accordance with the above authorized uses. Any discovered intentional misconduct will lead to further investigation, termination of system access, and notification of the user's parent agency for appropriate recourse. In addition, the auditing data will be used to identify systemic issues, inadvertent misuse, and requirements for policy changes, training enhancements, or additional oversight mechanisms.

These ALPR audits shall be conducted by a senior NCRIC official other than the person assigned to manage the NCRIC ALPR function. Audit results shall then be reported to the Director of the NCRIC.

DATA QUALITY AND ACCURACY

The NCRIC will take reasonable measures to ensure the accuracy of ALPR Data collected by NCRIC ALPR units and partner agency ALPR systems. Errors discovered in ALPR Data collected by NCRIC ALPR units are marked, corrected, or deleted in accordance with the type and severity of the error in question. Errors discovered in ALPR Data collected from partner agencies' ALPR systems are communicated back to the controlling agency to be addressed as deemed appropriate by that agency or in accordance with the agency's own ALPR data policies.

As the downstream custodian of "hotlists", the NCRIC will provide the most recent versions of these lists available and ensure the lists are refreshed from state or federal sources on a daily basis.

NCRIC Automated License Plate Reader Policy

The NCRIC acknowledges that, in rare instances ALPR units may inadvertently capture information contrary to the collection guidelines set forth in this policy. Such records will be purged upon identification. Any discovered notable increase in frequency of these incidents from specific ALPR units or agencies will be followed up with for equipment repairs, camera realignment, or personnel training as necessary.

PHYSICAL AND ELECTRONIC SECURITY OF ALPR DATA:

Data collected by ALPR systems is stored in a secured law enforcement facility with multiple layers of physical security and 24/7 security protections. Physical access is limited to law enforcement staff in good standing who have completed background investigations and possess an active security clearance at the "SECRET" or higher level.

NCRIC will utilize strong multi-factor authentication, encrypted communications, firewalls, and other reasonable physical, technological, administrative, procedural, and personnel security measures to mitigate the risks of unauthorized access to the system.

RETENTION OF ALPR DATA:

ALPR Data collected by NCRIC ALPR units or shared from partner agencies' ALPR units shall not be retained longer than 12 months, or the length of time required by the partner agency who is custodian of the record – whichever is shorter. Once the retention period has expired, the record will be purged entirely from all active and backup systems unless a reasonable suspicion has been established that the vehicle identified by the ALPR read is connected to criminal activities.

ALPR records matching an entry in a current law enforcement hotlist will trigger an immediate notification to the officer operating the ALPR unit, the active dispatch officer at the agency owning the ALPR unit, the NCRIC, and the custodial agency of the hotlist. Such notifications are also subject to a maximum retention of 12 months.

ALPR Data obtained with license plate information not appearing on hotlists, and with no immediate reasonable connection to criminal activity, will be retained in secure systems so as to only be made accessible to authorized personnel for a maximum period of twelve months, then purged entirely from all systems. If during the specified retention period there is information which supports a legitimate law enforcement purpose (see above section enumerating AUTHORIZED PURPOSES, COLLECTION, AND USE OF ALPR DATA) as to a license plate or partial license plate which was recorded and is retained in these systems, then limited access will be permitted for predicate-based querying for potential matches against the parameters specific to the legitimate law enforcement purpose. Such events shall be recorded in an access log showing date, time, name of person seeking access, agency of employment, reason for access, and tracking identifiers such as an agency case number.

NCRIC Automated License Plate Reader Policy

ALPR records of vehicles having been identified and linked to criminal investigation will be entered into the relevant NCRIC database(s) and retained for a period of no more than five years. If during the five-year period NCRIC personnel become aware that the vehicle license plate information is no longer associated with a criminal investigation, it will be purged from the NCRIC's databases.

CUSTODIAN OF RECORDS AND RECORDS REQUESTS

Each agency operating ALPR technology retains control and ownership as the official custodian of its records, and must independently verify all external information obtained via NCRIC Information Systems. To the extent permitted by law, requests for information under the California Public Records Act or Freedom of Information Act or similar applicable laws will be directed back to the owner of the requested data.

SYSTEM MANAGEMENT AND ACCOUNTABILITY

The NCRIC shall assign a senior officer who will have responsibility, and be accountable, for managing the ALPR Data collected and ensuring that the privacy and civil liberties protection and other provisions of this ALPR Policy are carried out. This individual shall also be responsible for managing a process for maintaining the most current and accurate hotlists available from NCRIC law enforcement sources. This individual shall also have the responsibility for the security of the hotlist information and any ALPR Data which is maintained by the NCRIC. It remains, however, the personal responsibility of all officers with access to ALPR Data to take reasonable measures to protect the privacy and civil liberties of individuals, as well as the security and confidentiality of ALPR Data.

COMMERCIALY CREATED ALPR DATA

Except as explicitly authorized below with regard to critical infrastructure, the NCRIC will not share NCRIC or partner agency ALPR Data with commercial or other private entities or individuals.

DISSEMINATION

The NCRIC may disseminate ALPR data to any governmental entity with an authorized law enforcement or public safety purpose for access to such data. The NCRIC assumes no responsibility or liability for the acts or omissions of other agencies in making use of the ALPR data properly disseminated. Though the NCRIC will make every reasonable effort to ensure the quality of shared ALPR Data and hotlists, it cannot make absolute guarantees of the accuracy of information provided.

ALPR Information may be disseminated to owners and operators of critical infrastructure in circumstances where such infrastructure is reasonably believed to be the target of surveillance for the purpose of a terrorist attack or other criminal activity. In these situations, the NCRIC also will make notification to appropriate local, state, and federal law enforcement agencies.

NCRIC Automated License Plate Reader Policy

Information collected by the ALPR system shall not be disseminated to private parties, other than critical infrastructure owners or operators, as limited above, unless authorized, in writing, by the Director of the NCRIC or his designee. ALPR information shall not be disseminated for personal gain or for any other non-law enforcement purposes.

POLICY REVISIONS

NCRIC ALPR Policies will be reviewed, and updated as necessary, no less frequently than every 12 months, or more frequently based on changes in data sources, technology, data use and/or sharing agreements, and other relevant considerations.

The most current version of the ALPR Policy may be obtained from the NCRIC website at <http://www.ncric.org/>